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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,606	04/14/2004	Alfred Atome Ogbumor	218-01 US	5078

7590 01/25/2006

ALFRED OGBUMOR
2046 SCULLY WAY
OTTAWA, ON K4A 4L8
CANADA

EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,606	Applicant(s) OGBUMOR, ALFRED ATOME	
	Examiner Stella L. Woo	Art Unit 2643	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Haddock et al. (US 5,657,378, hereinafter "Haddock").

Regarding claim 1, Haddock discloses a method of ordering retail goods comprising:

providing a telephone supporting plain old telephone service having a video display (telephone device 10 includes a display screen 14 and connection to the analog telephone network via phone line interface 108; Figures 1A, 5A; col. 2, lines 15-17);

providing a retail store server (consumer service provider 102 provides retrieval of product information and ordering of products and services; col. 6, lines 17-20);

establishing a point to point communication link between the telephone and the retail store server (user accesses the desired consumer service provider by selecting from a menu of options; col. 5, lines 33-39, 57-62);

providing video data to the video display, the video data corresponding to item data (product information can be retrieved for selection via display screen 14; col. 6, lines 17-20); and

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providing user input data in response to the video data, the input data indicative of an intent to purchase at least an item corresponding to the item data (user can order the product or service using the telephone device 10; col. 1, lines 57-60; col. 6, lines 17-20).

Regarding claim 2, displayed data can be representations of facsimile images (col. 5, lines 65-66).

Regarding claim 3, user can provide input data via point-and-click mechanism 26 or input keys 24; col. 4, lines 13-16).

Regarding claim 4, input can be provided via a touch screen mechanism (col. 4, lines 59-65).

Regarding claim 5, input can be provided via speech instruction (col. 5, lines 5-12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddock in view of Fulton et al. (US 6,182,052 B1, hereinafter "Fulton").

Haddock differs from claims 6-8 in that it does not specify the retail goods as including groceries, pre-recorded media or consumer electronic devices. However, Fulton, from the same field of endeavor, teaches the desirability of ordering by

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telephone a variety of goods including groceries as well as merchandise items which are usually purchased from a major department store (Figure 1; col. 10, line 46 – col. 11, line 59). It would have been obvious to an artisan of ordinary skill to incorporate such ordering of groceries and various merchandise items, as taught by Fulton, within the ordering method of Haddock in order to provide the convenience of 24-hour shopping of a variety of products from the user's home telephone device.

Conclusion

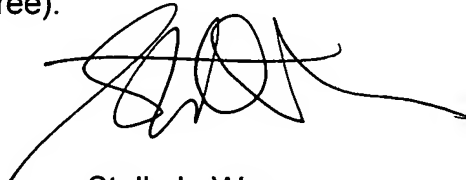
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Snow shows a telephone ordering system of groceries. Westrope et al. and Chewning, III et al. show other telephone ordering systems. Polcyn et al. shows the displaying of applications based on past usage.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Stella L. Woo', with a long horizontal line extending to the right.

Stella L. Woo
Primary Examiner
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